

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN CULLEN,)	
MICHAEL PERRY,)	Civil Action No. 09-1562
)	
Plaintiffs,)	District Judge Mark. R. Hornak
)	Magistrate Judge Cynthia Reed Eddy
v.)	
)	
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

ORDER OF COURT DENYING MOTION FOR INJUNCTIVE RELIEF

Before the Court is Plaintiff John Cullen's Motion for Injunctive Relief [ECF No. 122], in which he complains that being transferred from SCI-Greensburg to SCI-Mercer makes it more difficult for him (in several ways) to file appropriate and timely responses to defendants' Motion for Summary Judgment, Brief and Concise Statement of Facts. In the Commonwealth defendants' Response [ECF No. 125], defendants correctly note that the injury asserted in this motion is that Plaintiff "*might* not be able to file an adequate response to the Defendants' Motion for Summary Judgment by the January 23, 2012 deadline" for filing said responses. [ECF No. 125, at ¶ 6.]

However, the Court is amenable to enlarging the time to file the necessary responses for a reasonable additional period if Plaintiff files a motion for enlargement of time setting forth good grounds for doing so (which would include any actual, material delays caused by the transfer).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Injunctive Relief [ECF No. 122] is DENIED, without prejudice to Plaintiff seeking an extension of time for filing responses to the pending motion for summary judgment.

IT IS FURTHER ORDERED that plaintiff is allowed until January 25, 2012, to appeal this order to a district judge pursuant to Rule 72.C.2 of the Local Rules for Magistrates. Failure to timely appeal may constitute waiver of the right to appeal.

By the Court:

s/ Cynthia Reed Eddy
United States Magistrate Judge

cc:
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All counsel of record by Notice of Electronic Filing